REMARKS

This Amendment responds to the Office Action dated July 17, 2009 in which the Examiner rejected claims 1-10 under 35 U.S.C. § 103.

As indicated above, claims 1 and 8-10 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims a recording control apparatus. Claim 8 claims a recording control method, claim 9 claims a computer program and claim 10 claims a computer readable storage medium. The apparatus, method, program and storage medium include extracting video and audio data for each frame for reproduction of one frame of an image, extracting frame metadata for each frame for reproduction of the frame metadata, recording the frame metadata for each frame adjacent the video and audio data recorded for each frame so that the data are periodically arranged in a circumferential direction of an optical disk in the form of angular rings and only after all first and second data series are finished being recorded, recording a third data series onto the optical disk arranged independently of the periodically arranged first and second data series. The third data series is separately recorded in a contiguous manner and is clip metadata recorded for each clip.

By recording a third data series onto an optical disk only after all first and second data series are finished being recorded onto the optical disk, as claimed in claims 1 and 8-10, the claimed invention provides an apparatus, method, computer program and storage medium which minimizes the occurrence of a seek operation thereby achieving high-speed reproduction. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 8-10.

Claims 1-10 were rejected under 35 U.S.C. § 103 as being unpatentable over *Brook, et al.* (U.S. Publication No. 2003/0146915), *Tezuka, et al.* (U.S. Patent No. 5,206,850) and *David* (U.S. Publication No. 2002/0131763).

Brook, et al. appears to disclose a metaDB directory 2410 stored meta-data which is associated with corresponding clips. The meta-data are stored in five files, namely (a) a file relating to all raw movie clips, (b) a file relating to all raw still clips, (c) a file relating to all raw audio clips, (d) a file relating to all edited time-line-file and rendered-movie pairs, and (e) a file relating to all auto-editing templates. These files are lists of meta-data records, each record describing one media clip [0290].

Thus, *Brook, et al.* only discloses storing meta-data in a directory 2410. Nothing in *Brook, et al.* shows, teaches or suggests that only after all first and second data series are finished being recorded, performing recording-control to record a third data series onto an optical disk so that the third data series is arranged independently of the periodically arranged first and second data series as claimed in claims 1 and 8-10. Rather, *Brook, et al.* only discloses storing meta-data into a directory, but does not show, teach or suggest how or when this is done.

Tezuka, et al. appears to disclose a compact disk CD having digitized audio signals recorded as a plurality of sectional program data on a rotatable disk-like recording medium. The recording format is standardized and the plurality of sectional program data are recorded together with address data along a spiral track on a main annular recording area while table-of-content data (TOC data) identifying the sectional program data in the main recording area are recorded along the spiral track in another annular recording area, turned a lead-in area. Furthermore, another annular area, termed a lead-out area, is formed around the outer periphery of the main recording area. (Col. 1, lines 15-29). The TOC data is stored in a memory during recording of

the program data and after all program data has been recorded, the TOC data is read from the memory and recorded without interruption in the lead-in area 12 up to the beginning of the recording of the program data and the recording area 14 (column 3, lines 29-33). By avoiding a gap or non-recorded region between the TOC data recorded in the lead-in area 12 and the program data recorded in the main annular recording area 14, a writable record disk has a format equal to that of a conventional compact disk and may be reproduced or played back by a conventional CD player. (Col. 6, lines 20-37).

Thus, *Tezuka, et al.* merely discloses recording a table of contents (TOC) in a lead-in area of a disk. Nothing in *Tezuka, et al.* shows, teaches or suggests performing recording-control to record a third data series of clip metadata onto an optical disk only after all first and second data series are finished being recorded as claimed in claims 1 and 8-10. Rather, *Tezuka, et al.* merely discloses recording a table of contents in a lead-in area of a disk.

David appears to disclose a digital video tape recorder recording successive slant tracks on a tape medium in which across a group of one or more slant tracks [0007] at least one independently writable sectors stores metadata associated with the audio and/or video material [0010]. A dedicated sector or sectors - perhaps one or more per slant track or one or more in a group of slant tracks – stores metadata [0012].

Thus, *David* only discloses storing metadata in a dedicated sector of a tape. Nothing in *David* shows, teaches or suggests (a) both frame metadata and clip metadata and (b) storing the clip metadata only after all frame metadata has been stored as claimed in claims 1 and 8-10. Rather, *David* merely discloses a dedicated sector to store metadata.

Furthermore, *David* only discloses storing metadata associated with audio and/or video data. Nothing in *David* shows, teaches or suggests recording a third data series onto an optical

disk only after all first and second data series are finished being recorded as claimed in claims 1 and 8-10. Rather, *David*, et al. only discloses storing metadata associated with audio and/or video material.

A combination of *Brook, et al.*, *Tezuka, et al.* and *David* would merely suggest storing all metadata in a metadata directory as taught by *Brook, et al.*, to have a table of contents stored in a lead in area of a disk as taught by *Tezuka, et al.* and to have a dedicated sector for metadata as taught by *David*. Thus, nothing in the combination of the references shows, teaches or suggests recording the third data series onto the optical disk only after all first and second data series are finished being recorded as claimed in claims 1 and 8-10. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 8-10 under 35 U.S.C. § 103.

Claims 2-7 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 2-7 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Brook, et al.*, *Tezuka, et al.* and *David* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-7 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

Date: August 19, 2009

By: _____
Ellen Marcie Emas
Reg. No. 32,131
Tel. (202) 292-1530